

09.09.2022

Item No.14

Ct.No.01

F.B/gsd

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

CRM (DB) 288 of 2022

In Re: An application for bail under Section 439 of Cr.P.C in connection with POCSO Case No. 15 of 2022 corresponding to G.R.(I) Case No. 236 of 2022 arising out of Sitai Police Station Case No. 82 of 2022 dated 21.05.2022 under Sections 363/365 of the IPC, 1860 and added Section 6 of the POCSO Act.

In the matter of : **Matiar Rahaman**

... Petitioner.

Mr. Surajit Basu
Mr. Puspen Barman
Mr. Rtan Chandra roy

... For the Petitioner.

Mr. Ujjwal Luksom
Mr. Tapan Bhattacharjee

... For the State.

Party/parties is/are represented in the order of their name/names as printed above in the cause-title.

This is an application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with POCSO Case No. 15 of 2022 arising out of Sitai Police Station Case No. 82 of 2022 dated 21.05.2022 under Sections 363/365 of the IPC, 1860 and

added Section 6 of the POCSO Act, pending before the Special Court, POCSO, Dinhata.

The petitioner submits that the petitioner and the victim had married on 15th July, 2022 and the marriage certificate was produced before this Court when the matter was taken up for hearing on 2nd September, 2022.

A Co-ordinate Bench of this Court on 2nd September, 2022 had directed the Investigating Officer to conduct an investigation with regard to the authenticity of the marriage certificate relied by the petitioner. The I.O. has submitted a report along with the documents wherein it reveals that the marriage between the petitioner and the victim girl was solemnized on 15th July, 2022 which was duly registered in the marriage register being Vol. No. II Sl. No. 13 dt. 15.7.2021.

This Court finds from the records that the police has initiated the case under Sections 363/365 of the I.P.C. and also added Section 6 of the POCSO Act. As per the verification report submitted by the I.O. it reveals that the marriage was solemnized between the petitioner and the victim on 15th of July, 2021 and hence this Court do not find any justification to keep the petitioner in custody any further.

The prayer for bail of the petitioner is **Allowed**.

Accordingly, We direct, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand only) with one surety of like amount, subject to the satisfaction of the

Judge, Special Court (POCSO)-cum-Additional Dist. & Sessions Judge, Dinhata and on condition that the petitioner shall appear before the Learned Trial Court on each and every date of trial and on further condition that the petitioner shall not intimidate the witnesses nor shall hamper or tamper with the evidence.

The personal appearance of the I.O. stands dispensed with.

C.D. is returned to the I.O.

CRM (DB) 288 of 2022 is **disposed of** accordingly.

All parties are to act on a server copy of this order from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Krishna Rao, J.)

(Subrata Talukdar, J.)